

AUG 16 2004



Attorney Docket No. SAA-5-2 (402P273)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Andrew G. SWALES et al.

Application No.: 10/003,123
Confirmation No.: 6275
Filed On: November 26, 2001

For: MESSAGING APPLICATION LAYER OVER
ETHERNET TO TRANSPORT LAYER (TCP)
COMMUNICATIONS METHOD AND
APPARATUS FOR A MODULAR TERMINAL
INPUT/OUTPUT SYSTEM

Examiner: LEZAK, A. M.
Art Unit: 2143

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

I, Richard C. Himelhoch, represent that I am an attorney of record for this Application. The present owner of the entire interest in this Application is Schneider Automation Inc. (hereinafter referred to as "Disclaimant").

In response to the Office Action dated May 12, 2004, Disclaimant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant Application, which would extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154 to 156, of U.S. Patent No. 6,282,454. The Disclaimant hereby agrees that any patent so granted on the instant Application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant Application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Disclaimant does not disclaim the terminal part of any patent granted on the instant Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of the prior patent, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37

Terminal Disclaimer
U.S. Application No. 10/419,442
Filed: April 21, 2003

Page 2

C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

A check in the amount of the statutory fee of \$110.00 as set forth in 37 C.F.R. § 1.20(d) is enclosed. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees associated with this communication to Deposit Account No. 23-0280.

Respectfully submitted,

Dated: August 12, 2004

By: Richard C. Himelhoch
Richard C. Himelhoch, Reg. No. 35,544
Wallenstein Wagner & Rockey, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6630
312.554.3300

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 12, 2004.

Sarah J. Goodnight
Sarah J. Goodnight 207109